REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections of the Office Action of November 2, 2006 and further examination are respectfully requested.

The specification and abstract have been reviewed and revised to improve their English grammar and U.S. form. The amendments to the specification and abstract have been incorporated into a substitute specification and abstract. Attached are two versions of the substitute specification, a marked-up version showing the revisions, as well as a clean version. No new matter has been added.

Claims 9-22, 24-25, and 27-28 have been withdrawn. Claims 1-8, 23 and 26 have been cancelled without prejudice or disclaimer to the subject matter contained therein and replaced by new Claims 29-36. All of the new claims correspond to elected invention I.

Claim 26 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is considered moot based on the cancellation of claim 26. Further, it is respectfully submitted that this rejection is inapplicable to new claim 36, because new claim 36 recites a program recorded on a recording medium which causes a computer to execute an imaging method. The execution of a method by a computer is inherently functional, thus it is submitted that claim 36 satisfies the functioning requirement of MPEP 2106. As a result, withdrawal of the rejection is respectfully requested.

Claims 1-8, 23, and 26 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sampsell (US 6,614,988). The rejection regarding claims 1-8, 23, and 26 is considered moot based on their above-mentioned cancellation. Further, this rejection is believed clearly inapplicable to new claims 29-36 for the following reasons.

New Claims 29-34 are Patentable Over the Prior Art of Record

New independent claim 29 recites an imaging device for adding auxiliary information to digital data, the imaging device including, in part, (1) an interface device operable to receive an externally generated image input and operable to receive an auxiliary information input for adding auxiliary information to digital data, (2) a coding device operable to generate first digital data by compressing an image signal representing a captured image, and (3) a digital data generation

device operable to (i) combine, when the interface device receives the auxiliary information input, the auxiliary information with the first digital data corresponding to the image captured when the information device receives the auxiliary information input, and (ii) generate second digital data comprised of the combined auxiliary information and first digital data. Sampsell fails to disclose or suggest (1) combining the auxiliary information with the first digital data generated when the interface device receives the auxiliary information input, and (2) generating second digital data comprised of the combined auxiliary information and first digital data as recited in independent claim 29.

In contrast to the present invention as recited in new claim 29, Sampsell teaches natural language labeling of video using multiple words. In particular, Sampsell teaches overlaying or attaching a label to video clips or photographic images, wherein the label is added after the photograph or video clips have been compressed and stored on a storage device (see col. 2, lines 21-27, and Fig. 4). Specifically, referring to fig. 4, Sampsell teaches that (1) a camera 120 receives an image, (2) an analog-to-digital converter 124 converts the analog output of the camera 120 to a digital signal, (3) a compressor 126 compresses a digital output from the converter 124, (4) the compressed data is then stored on a tape 128 (i.e., storage device), and (5) the natural language interface 12 then labels the compressed data (i.e., compressed video or photograph) stored on the storage device. Based on this configuration, the natural language labeling of video using words disclosed by Sampsell permits the user to add a label to a compressed photograph or video which has been previously stored on a storage device. Accordingly, the following differences between the present invention as recited in independent claim 29 and the Sampsell reference become evident.

Sampsell teaches capturing an image, converting and compressing that image, storing that image on a storage device, and then subsequently adding a label to that image based upon user instruction. However, Sampsell does not disclose or suggest combining the auxiliary information with the first digital data generated (e.g. data which represents the captured image) when the interface device receives the auxiliary information input and subsequently generating second digital data comprised of the combined auxiliary information and first digital data, wherein the first digital data, to which the auxiliary information is combined, is the first digital data generated when the interface device receives the auxiliary information input. Simply stated, adding a label to

a previously stored video or photo image (i.e., as disclosed by Sampsell) is not the same as combining auxiliary information with an image captured when the interface device receives the auxiliary information input. Thus, in the context of adding auxiliary information to image data, Sampsell teaches adding the information after the data is compressed and stored (i.e., after feature (4) of Sampsell, as discussed above), whereas, the present invention recites that, before the image data is stored, the auxiliary information is combined with the image that was captured when the interface device received the auxiliary information input (i.e., referring to the features disclosed by Sampsell, the auxiliary information of claim 29 is combined before feature (4)).

In view of the above, it is respectfully submitted that the Sampsell reference does not anticipate the invention as recited in new independent claim 29. Furthermore, because Sampsell does not suggest the combination of auxiliary information and first digital data when the interface device receives the auxiliary information input, it is submitted that one of ordinary skill in the art would not be motivated to modify the Sampsell reference so as to obtain the invention of new independent claim 29. Accordingly, it is respectfully submitted that new claim 29 and the claims that depend therefrom are clearly patentable over the prior art of record.

New Amended Claims 35 and 36 are Patentable Over the Prior Art of Record

New claim 35 recites an imaging method wherein the combining of the auxiliary data and the generation of the second digital data are performed in the same manner as the operation of the digital data generation device recited in new independent claim 29. Accordingly, the limitations of method claim 35 are similar to those discussed above regarding apparatus claim 29.

Moreover, independent claim 36 recites a program recorded on a recording medium for causing a computer to execute an imaging method, wherein the imaging method is the same as that recited by claim 35.

For the same reasons discussed above, it is respectfully submitted that the Sampsell reference does not anticipate the invention as recited in new independent claims 35 and 36. Furthermore, because Sampsell does not suggest the features described above, it is submitted that one of ordinary skill in the art would not be motivated to modify the Sampsell reference so as to obtain the invention of new independent claims 35 and 36. Accordingly, it is respectfully submitted that new claims 35 and 36 are clearly patentable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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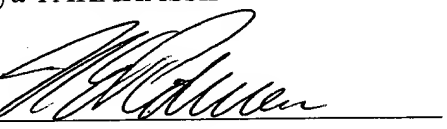
By: 

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